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Mr. Thayer's avowed object in writing this book is to prevent the abolitionists from obtaining any share of the credit attaching to the successful struggle against slavery. He fails to appreciate the deeply moral spirit of men like Garrison, which led them to denounce all half-measures and compromises such as politicians and statesmen are happy to carry through. He attributes to them only the basest and most sordid motives, forgetful that they differed in aim only from the "root and branch men" of the seventeenth century. In his efforts to glorify himself, and incidentally the Kansas crusade as his work, Mr. Thayer occasionally becomes ridiculous; as when he attributes the present material prosperity of the South directly and solely to that movement.

ROBERT WEIL.

The History of Land Tenure in Ireland; being the Yorke Prize Essay of the University of Cambridge for the year 1888. By WILLIAM ERNEST MONTGOMERY, M.A., LL.M. Cambridge University Press, 1889. — vi, 191 pp.

This is a valuable and suggestive little work. Students of the Irish question will find in it a concise and accurate presentation of the historical facts which are essential to an understanding of the social-economical phase of the long-standing difficulties. The author's endeavor to "write without prejudice and to carefully eschew present political controversy" is entirely successful. The rarity of such endeavor and of such success in the literature of Irish history gives extraordinary value to every new instance.

The key to an understanding of the land question is contained in the quotation from the Bessborough commission's report which Mr. Montgomery places at the head of his work:

There has in general survived to the Irish farmer, through all vicissitudes, in despite of the seeming or real veto of the law, in apparent defiance of political economy, a living tradition of possessory right such as belonged in the more primitive ages of society to the status of the man who tilled the soil.

The history of Irish land tenure involves little more than a comparison of the relation of the law at successive periods to this one persistent fact. It is on this idea that the essay before us is constructed. In part first the ancient Irish law, as expressed in the old Celtic customs and the Brehon code, is examined. The possessory right of the cultivator under this system is embodied in the principle of tribal ownership and succession by gavelkind. It is always an interesting question how far the tendency toward individual ownership is traceable in the early centuries of connection with the greater island. Mr. Montgomery summarizes very well all that can be said on this matter. He finds the progress of

natural feudalization undeniably manifest, though doomed never to be consummated. The coming of the Saxon and the thorough conquest of the Celts (completed by the Tudors) were followed by the forcible substitution of the conquerors' land-law for that natural to the soil. In the early part of James I's reign the Brehon law was abolished throughout Ireland and the English law substituted. At that time the Irish people had reached in natural development about the stage of the English in the time of the early Plantagenets. They might have comprehended and easily submitted to the feudal land-law of that age. But the feudal law as developed and refined by the work of three or four centuries of English jurisprudence was quite unsuitable for the Celts. In the work of substituting the new for the old tenures and in adjusting titles to the new system it must be admitted, as the writer shows, that the motives and processes of the crown officials were often both honorable and honest. But the net result of the work was that many natives, who by their own law had been landowners, with the privileges and dignities attaching to that status, found themselves now inevitably excluded from their ancient rights. Embers of discontent and hatred thus left smouldering were fanned into a fierce blaze by the despotic character of the Stuart reigns. Mr. Montgomery thinks that the real cause of the insurrection of 1641 is rather the land troubles than religious differences. This opinion might be open to debate, but it is at all events certain that the "commissions of defective titles" under both James and Charles contributed in no small degree to the ferocity of the insurgents. To those who had been dispossessed of their ancient estates by the abolition of the Brehon law was now added a host of unfortunates who, having been assured of great permanence and security in their holdings under the new system, found themselves constantly harassed or unceremoniously ejected through "quirks and quiddities of the law" which they could in no way understand.

The Irish rebellion was effectually terminated by Cromwell. With the vast confiscations in his settlement, followed by the readjustment of Charles II and new confiscations by William and Mary after the battle of the Boyne, the process was completed which had been going on ever since Elizabeth's conquests. Five-sixths of the land in Ireland was owned by Englishmen, and the mass of the ancient owners were mere tenants at will on the soil of which they believed themselves, with the intensity of long accumulated tradition, to be the rightful owners. The seventeenth century fixed the conditions of land tenure which the nineteenth century has tended thus far steadily to abolish. During the intervening period the influence of the inhuman religious and commercial legislation was mainly to confirm the already established system, to make the ownership of the alien landlords—in the eighteenth cen-

tury more generally absentees than before or since—more absolute and the interest of the tenant cultivator more precarious. The author's sketch of this period, in his sixth chapter, is strikingly just. Two quotations will illustrate his general attitude in respect to the responsibility for the present situation.

Up to the dates of the penal and commercial codes, the wrongs of Ireland are mainly to be found in that injustice which is inseparable from the *vae victis* of war. The history of the gravest wrongs of the native race begins from this period. . . .

The absence of the growth of customary rights among the precarious tenants must be ascribed . . . to the fact that the proprietary rights of a servile class can only be attained by long custom. The constant surge of change in the occupation of the land caused by the compulsory removals, whether by arbitrary evictions or by evictions for non-payment of rent, prevented the possibility of the acquisition of such rights by long user. . . . The greatest wrongs inflicted over most of Ireland by the landlords upon the tenants were the deeds which prevented such a continuity of possession as would have fostered customary traits.

Mr. Montgomery does right in devoting one hundred and twenty out of one hundred and ninety pages of his work to the period before 1850. It is often thought that the land question in Ireland begins with the great famine. As is shown all through his essay, the work of the land acts of recent decades has been merely to undo what two preceding centuries had done, to find some way of securing to the cultivators of the land in Ireland a legal interest in their holdings which shall satisfy the traditional instinct of possessory right. The writer's analysis of Mr. Gladstone's great land acts is clear and intelligible. He inclines to the belief that a sweeping measure of land purchase would ultimately prove an evil, but that a statutory term such as was created by the act of 1881 (fixed rent for fifteen years) would be a more real approximation of law and fact, since such a term resembles very closely the traditional right in the soil claimed by the tenants.

Taken altogether, Mr. Montgomery's essay must be given the credit, if not of originality, at least of an exceedingly judicious treatment of old and much-handled material. A few minor slips may be noted. Pope Adrian's bull bears the date 1154 instead of 1155, Moore to the contrary notwithstanding. "*Canfinny*" for "*Caufinny*" is a typographical error. To follow Moore in stating that in 1177 John was made by his father "king" of Ireland is to make nonsense of much subsequent history, including the fact (stated immediately afterward) that John was always termed "Lord of Ireland." Moore seems to get his idea by translating "*regulum*," in the *Chronicle*, into "king," in spite of the fact that the official title up to 1541 was "*Dominus Hiberniae*."

WM. A. DUNNING.